

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/881,523	KITZE, CHRISTOPHER ALLIN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Harish T. Dass	3692	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/08/2007.
2. ☒ The allowed claim(s) is/are 1-3,5,6,8-12,14,15,17-19,21,22,24-26,28,29,31,32,45 and 46.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

This communication is in response to applicant's paper filed on 10/08/2007 and conversation with Attorney Anthony Josephson 10/31/2007, regarding proposed examiner amendments.

#### **Status of Claims:**

Claims 4, 7, 13, 16, 20, 23, 27, 30, 33-44 are cancelled.

Claims 1-3, 5-6, 8-12, 14-15, 17-19, 21-22, 24-26, 28-29, 31-32 and 45-46 are pending.

#### ***Allowable Subject Matter***

Claims 1-3, 5-6, 8-12, 14-15, 17-19, 21-22, 24-26, 28-29, 31-32 and 45-46 are pending and have been allowed.

The following is an examiner's statement of reasons for the indication of allowable subject matter allowance:

Independent claims 1, 10, 19, 26 and 45-46 and their dependent claims 2-3, 5-6, 8-9, 11-12, 14-15, 17-18, 21-22, 24-25, 28-29, and 31-32 are allowed because the closes prior art of record and references of Johnson et al. (US 6,167,124) and DeBruine (US 7,043,644) in any combination failed to teach or render obvious to one of ordinary skill in the art, transferring digital file over peer-to-peer network from sending node to receiving node and allowing other nodes to bid for delivery of the digital file with

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specified quality of service for delivery, and optimizing network traffic based on economics.

### ***Examiner Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

#### **Claim 1**

-- 1. (Currently Amended) A method for efficiently transporting digital files over a peer-to-peer network comprising at least one server node and multiple client nodes, the method comprising the steps of:

a. when a digital file is to be transferred over the peer-to-peer network from a sending node to a receiving node, allowing other nodes to submit bids to transport the digital file over the peer-to-peer network for a particular price; [[and]]

b. allowing a sender to specify a particular quality of service for delivery of the digital file, the quality of service including immediate delivery and scheduled delivery;

c. allowing the node with a lowest bid to transport the digital file to the receiving node, thereby optimizing network traffic based on economics; and

d. uploading the digital file from the sending node to the at least one server node; and

e. delivering the digital file from the at least one server node when the receiving node comes online when the specified quality of service is immediate delivery and the receiving node is off-line. --

claim 3

3. (Currently Amended) The method of claim 2 further including the step of billing ~~[[a]]~~ the user of the sending node. --

claim 5

--5. (Currently Amended) The method of claim ~~[[4]]~~ 1 further including the step of setting the price to transport the digital file based on the specified quality of service-specified. --

claim 6

--6. (Currently Amended) The method of claim 5 further including the step of if the specified quality of service is immediate delivery, then sending the digital file peer-to-peer. --

claim 8

--8. (Currently Amended) The method of claim 6 further including the step of ~~if the specified quality of service is scheduled delivery, then~~ queuing file transmission until a scheduled time when the specified quality of service is scheduled delivery.

claim 9

--9. (Currently Amended) The method of claim ~~[[4]]~~ 1 further including the step of requiring the submitted bids to include price and the quality of service. --

claim 10

--10. (Currently Amended) A peer-to-peer network for efficiently transporting digital files, the

~~peer-to-peer network including at least one server node and multiple client nodes coupled to the network, the network further comprising:~~

multiple client nodes coupled with the peer-to-peer network; and

a server node coupled with the peer-to-peer network, wherein the server node is adapted to:

~~means for allowing~~ allow other nodes to submit bids to transport a digital file over the peer-to-peer network for a particular price when the digital file is to be transferred from a sending node to a receiving node; ~~[[and]]~~

allow a quality of service for delivery of the digital file to be specified, the quality of service including immediate delivery and scheduled delivery;

~~means for allowing~~ allow the node with a lowest bid to transport ~~[[to]]~~ the digital file to the receiving node, thereby optimizing network traffic based on economics;

upload the digital file from the sending node; and

deliver the digital file when the receiving node comes online when the specified quality of service is immediate delivery and the receiving node is off-line. --

claim 11

--11. (Currently Amended) The peer-to-peer network of claim ~~[[1]]~~ 10 wherein a user of the transporting node is paid the particular price. --

claim 12

--12. (Currently Amended) The peer-to-peer network of claim 11 wherein ~~[[a]]~~ the user of the sending node is billed. --

claim 14

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--14. (Currently Amended) The peer-to-peer network of claim 10 ~~[[13]]~~ wherein the price to transport the digital file is determined based on the specified quality of service ~~specified~~. --

claim 15

--15. (Currently Amended) The peer-to-peer network of claim 14 wherein the digital file is sent to the peer-to-peer network if the specified quality of service is immediate delivery. --

claim 17

--17. (Currently Amended) The peer-to-peer network of claim 15 wherein if the specified quality of service is scheduled delivery, then the digital file is queued for transmission until a scheduled time. --

claim 18

--18. (Currently Amended) The peer-to-peer network of claim 10 wherein the submitted bids include price and ~~[[a]]~~ the quality of service. --

claim 19

--19. (Currently Amended) A method for efficiently transporting digital files comprising,

a. providing a peer-to-peer network that includes at least one server node and multiple client nodes;

b. when a digital file is to be transferred over the peer-to-peer network from a sending node to a receiving node, allowing other nodes to submit bids to transport the digital file over the peer-to-peer network for a particular price;

c. allowing a quality of service for delivery of the digital file to be specified, the quality of service including immediate delivery and scheduled delivery;

d. allowing the node with a lowest bid to transport ~~[[to]]~~ the digital file to the receiving node; ~~[[and]]~~

e. uploading the digital file from the sending node to the at least one server node;

f. delivering the digital file from the at least one server node when the receiving node comes online when the specified quality of service is immediate delivery and the receiving node is off-line; and

g. ~~[[d.]]~~ billing a user account of the sending node, and paying a user of the transporting node the particular price, thereby optimizing network traffic based on economics. --

claim 21

--21. (Currently Amended) The method of claim ~~[[20]]~~ 19 further including the step of setting the price to transport the digital file based on the specified quality of service-specified. --

claim 22

--22. (Currently Amended) The method of claim 21 further including the step of if the specified quality of service is immediate delivery, then sending the digital file peer-to-peer. --

claim 24

--24. (Currently Amended) The method of claim 22 ~~[[23]]~~ further including the step of if the specified quality of service is scheduled delivery, then queuing file transmission until a scheduled time. --

claim 25

--25. (Currently Amended) The method of claim 24 further including the step of requiring the submitted bids to include price and ~~[[a]]~~ the quality of service. --

claim 26

--26. (Currently Amended) A peer-to-peer network for efficiently transporting digital files, the ~~peer-to-peer network including at least one server node and multiple client nodes coupled to the network, the network further comprising:~~

multiple client nodes coupled with the peer-to-peer network; and

a server node coupled with the peer-to-peer network, wherein the server node is adapted to:

~~means for allowing~~ allow other nodes to submit bids to transport ~~[[a]] the~~ digital file over the ~~peer-to-peer~~ network for a particular price when the digital file is to be transferred over the ~~peer-to-peer~~ network from a sending node to a receiving node;

~~allow a quality of service for delivery of the digital file to be specified, the quality of service including immediate delivery and scheduled delivery;~~

~~means for allowing~~ allow the node with a lowest bid to transport ~~[[to]] the~~ digital file to the receiving node; ~~[[and]]~~

upload the digital file from the sending node;

deliver the digital file when the receiving node comes online when the specified quality of service is immediate delivery and the receiving node is off-line; and

~~means for billing~~ bill a user account of the sending node, and paying a user of the transporting node the particular price, thereby optimizing network traffic based on economics. --

claim 28

--28. (Currently Amended) The ~~peer-to-peer~~ network of claim ~~[[27]]~~ 26 wherein the price to transport the digital file is determined based on the specified quality of service ~~specified~~. --



claim 29

--29. (Currently Amended) The peer-to-peer network of claim 28 wherein the digital file is sent peer-to-peer if the specified quality of service is immediate delivery. --

claim 31

-- 31. (Currently Amended) The peer-to-peer network of claim [[30]] 29 wherein if the specified quality of service is scheduled delivery, then the digital file is queued for transmission until a scheduled time. --

claim 32

--32. (Currently Amended) The peer-to-peer network of claim 31 wherein the submitted bids include price and the quality of service. --

claim 45

--45. (Currently Amended) A peer-to-peer network for efficiently transporting digital files, the peer-to-peer network including at least one server node and multiple client nodes coupled to the peer-to-peer network, the peer-to-peer network further comprising:

other nodes adapted to submit bids to transport a digital file over the peer-to-peer network for a particular price when the digital file is to be transferred from a sending node to a receiving node, wherein a quality of service for delivery is specified where the quality of service includes immediate delivery and scheduled delivery; and

wherein one node of the other nodes with a lowest bid to transport the digital file to the receiving node is selected to transport the digital file, thereby optimizing network traffic based on economics where the digital file is uploaded from the sending node to the at least one server node and the digital file is delivered from the at least one server node when the receiving node comes online when the specified quality of service is immediate delivery and the receiving node is off-line. --

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claim 46

--46. (Currently Amended) A peer-to-peer network for efficiently transporting digital files, the peer-to-peer network including at least one server node and multiple client nodes coupled to the peer-to-peer network, the peer-to-peer network further comprising:

other nodes adapted to submit bids to transport a digital file over the peer-to-peer network for a particular price when the digital file is to be transferred over the peer-to-peer network from a sending node to a receiving node, wherein a quality of service for delivery is specified where the quality of service includes immediate delivery and scheduled delivery;

one of the other nodes being selected based on the one of the other nodes having a lowest bid to transport [[to]] the digital file to the receiving node, where the digital file is uploaded from the sending node to the at least one server node and the digital file is delivered from the at least one server node when the receiving node comes online when the specified quality of service is immediate delivery and the receiving node is off-line; and

the one of the other nodes selected to transport the digital file is further adapted to bill a user account of the sending node, such that a user of the transporting node is paid the particular price, thereby optimizing network traffic based on economics. --

Authorization for this examiner's amendment was given in a telephone interview with Anthony Josephson (Reg. # 45,742) on October 31, 2007.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdi Kambiz can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass  
Primary Examiner  
Art Unit 3692

*Harish T Dass*

11/7/07